

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-12 were pending in this application. In this response, claim 6 has been amended, claims 1-5 canceled and claims 13 and 14 added. Thus, claims 6-14 remain pending.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims.

ALLOWABLE CLAIMS

Claims 7-12 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, Second Paragraph, set forth in this Office Action. Applicants appreciate the indication of allowable subject matter in claims 7-12. By the present response the rejection under 35 U.S.C. § 112, Second Paragraph, has been addressed and it is respectfully asserted that claims 7-12 are now in condition for allowance.

In addition, claim 6 now recites the composition of the alloy using “consisting of.” It is respectfully requested that claim 6 be rejoined in this application. Further, claim 6 (and new dependent claims 13 and 14) should be allowable for the same reason as claims 7-12.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7 to 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention on the grounds set forth on page 3 of the Official Action.

This rejection is respectfully traversed because the language of claim 7 noted by the Examiner is definite and particularly points out the claimed invention.

Claim 7 recites:

7. A titanium based carbonitride alloy consisting of:
9-14 at% Co;
1-<3 at% Nb;
3-8 at% W;
C and N having a C/(N+C) ratio of 0.50-0.75;
hard constituents with undissolved Ti(C,N)
cores, wherein the amount of undissolved Ti(C,N) cores is
between 26 and 37 vol% of the hard constituents and the
balance being one or more complex carbonitride phases; and
balance Ti.

Thus, the alloy claimed in claim 7, in summary, consists of (i) 9-14 at% Co; (ii) 1-<3 at% Nb; (iii) 3-8 at% W; (iv) C and N; (v) hard constituents with undissolved Ti(C,N) cores; and (vi) balance Ti. These components of the claim are clearly separated, one from the other, by the form of the claim and the use of a semi-colon to separate each of these components into separate clauses. In this instance, the use of “balance Ti” is clear – once the components in clauses (i) to (v) are established, the balance of the claimed alloy is Ti.

Some of the components of the alloy are further delineated in the claim. For example, C and N are claimed further within its clause as “having a C/(N+C) ratio of 0.50-0.75.” In another example, the hard constituents with undissolved Ti(C,N) cores is claimed further within its clause as having “an amount of undissolved Ti(C,N) cores [is] between 26 and 37 vol% of the hard constituents and the balance being one or more complex carbonitride phases.” In this instance, the use of “balance being one or more complex carbonitride phases” is also clear and refers to the composition of the hard constituents with undissolved Ti(C,N) cores.

In view of the above, it is respectfully asserted that claim 7 and its dependent claims 8-12 are definite and distinctly claimed. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1 to 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,682,590 to Weinl et al. (hereafter "*Weinl '590*") on the grounds set forth on page 4 of the Office Action. This rejection has been obviated by the cancellation of claims 1-5.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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